

3/17/15

4:34 P.M.

Chapter No. 385

15/SS26/R585

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## ***SENATE BILL NO. 2284***

Originated in Senate



Secretary

SENATE BILL NO. 2284

AN ACT TO AMEND SECTION 33-7-311, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT NATIONAL GUARD SERVICE MEMBERS SERVING IN A FEDERALLY FUNDED DUTY STATUS DURING DECLARED EMERGENCIES SHALL BE IMMUNE CIVILLY AND CRIMINALLY FOR ACTS OR OMISSIONS DURING THE PERFORMANCE OF THEIR MILITARY DUTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 33-7-311, Mississippi Code of 1972, is amended as follows:

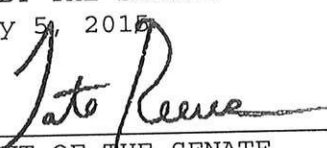
33-7-311. No member of the militia ordered into the active service of the state, or ordered into any Title 32 United States Code capacity for service during a period of declared emergency under the Mississippi Emergency Management Law, Section 33-15-1 et seq., shall be liable civilly or criminally for any act or omission done, or caused, ordered or directed to be done, by him in furtherance of and while in the performance of his military duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer or enlisted man of the militia for any act so done, or caused, ordered or directed to be done, all the attorneys' fees, expenses

of the defense of such proceeding or action, civil or criminal, including fees of witnesses for the defense, defendant's court costs, and all costs for transcripts of records and abstract, thereof on appeal, shall be paid by the state, out of the Military Fund. It shall be the duty of the Attorney General, either personally or by one or more assistants, to defend \* \* \* the officer or enlisted man. Where the action or proceeding is criminal, the Adjutant General shall designate a judge advocate of the National Guard or other authorized state military or naval forces to conduct the defense of such member, or if the services of a judge advocate \* \* \* are not available, then he shall select some other competent attorney to conduct such defense, and the judge advocate or other attorney so selected shall receive and be paid out of the Military Fund a reasonable compensation for his professional services. In any such action or proceeding, the defendant may require the person instituting or prosecuting the same to file security for payment of all costs, which costs if recovered in action, the costs whereof have been paid out of the Military Fund, shall be paid into the State Treasury for the benefit of the Military Fund. In any such suit against a member of the militia of this state, such member shall be entitled to have the venue changed to the appropriate court of his county of residence. In any such suit against two (2) or more members of the militia of this state, each of them shall be entitled to a severance. The immunities granted in this section are in addition

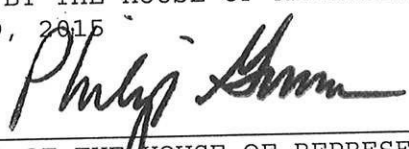
to any other immunities conferred upon the militia by any other law, and nothing in this section shall abrogate or repeal any other such immunities.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE  
February 5, 2015

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 9, 2015

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

3/17/15  
4:34 pm